

### **REMARKS**

Claims 1-6, 10-13, 15, and 16 are now pending in this application. Withdrawn claims 7-9 and 14 have been canceled without prejudice or disclaimer. Claims 1 and 6 are independent and they are amended as suggested in the outstanding Action without the introduction of any new matter.

### **SUMMARY OF OFFICE ACTION**

The outstanding Office Action is a non-final rejection that again acknowledges the claim for foreign priority and the receipt of the priority document. The outstanding Office Action also again includes an acknowledgement of the acceptance of the drawings filed on November 9, 2001. It also presents a rejection of claims 1-6, 10-13, 15, and 16 under 35 U.S.C. §101.

### **REJECTION OF CLAIMS 1-6, 10-13, 15, AND 16**

Item 3 on page 2 of the outstanding Action presents a rejection of claims 1-6, 10-13, 15, and 16 under 35 U.S.C. §101 as failing to recite a statutory process. This rejection is traversed.

It is first noted that claims 10-13 are claims directed to an "apparatus for recording image data," not to a process as apparently assumed in the outstanding action. Accordingly, withdrawal of the improper rejection of claims 10-13 under 35 U.S.C. §101 as failing to recite a statutory process is respectfully requested.

Turning to actual independent process claim 1 and 6, item 1 on page 2 of the outstanding Action notes that the addition of the phrase "a processor performing the steps of:" after the first line of claim 1 and after the first line of claim 6 is noted to have been proposed by the Examiner as a cure that would render process claims 1-6, 15, and 16 statutory under 35 U.S.C. §101. It is regretted that the voice message of October 20, 2008, that provided authority to make these changes to claims 1 and 6 by an Examiner's Amendment may have been inadvertently misinterpreted or lost prior to issuance of this Action. In any event, the present amendment to independent claims 1 and 6 adds the above-noted suggested phrase "a processor performing the steps of:" after the first line of claim 1 and after the first line of claim 6. Accordingly, independent claims 1 and 6, and claims 2-5, 15, and 16 that depend from respective ones of these independent claims, should now be considered as being drawn to a statutory process.

Consequently, withdrawal of the rejection of claims 1-6, 15, and 16 under 35 U.S.C. §101 as failing to recite a statutory process is respectfully requested.

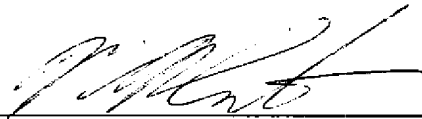
**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond F. Cardillo, Jr., Reg. No. 40,440 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: January 29, 2009

Respectfully submitted,

By   
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